IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 15518 of 2004**

Between:

1 S.R.K. Lakshmi Narsimharaju S/o Satyanarayanaraju
R/o Tadepalligudem, West Godavari District
2 S.R.P. Muralikrishnam Raju S/o Satyanarayanaraju
R/o Tadepalligudem, West Godavari District
3 S.R.K. Ramadevi W/o Lakshmi Narasimharaju
R/o Tadepalligudem, West Godavari District
4 S.R.K. Sunitha Devi W/o V.D.S.K.Varma
R/o Tadepalligudem, West Godavari District
5 S.R..K. V.D.S. K. Varma S/o Satyanarayanaraju
R/o Tadepalligudem, West Godavari District

**..... PETITIONER(S)**

AND

Addl. Asst. Engineer (Operations) A.P. Eastern Power Distribution Co. Ltd., Nidamarru, W.G. district

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus directing the respondent not to remove the service connections of power supply of the petitioners by declaring that the action of the respondent vide his notice Lr. No. AAE/O/NDMR/E dated 19-8-2004 is highly arbitrary illegal violative of principles of natural justice discriminatory villative of Arts. 14, 21 and 300-A of the constitution of India.

**Counsel for the Petitioner : MR.C.RAMACHANDRA RAJU**

**Counsel for the Respondent : SMT.M.VINOBHA DEVI, Standing Counsel**

**The Court made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.15518 OF 2004**

**ORAL ORDER :**

Heard the learned Counsel for the petitioners and the learned Standing Counsel Smt. M.Vinobha Devi, appearing for the respondent.

Petitioners state that they obtained nine service connections of power supply in the year 1997 bearing S.C. Nos. 73, 74, 76, 87, 67, 70, 81, 69 & 80 for the purpose of agricultural operations at Bynepalli Village, Nidamarru Mandal of West Godavari District. They stated that they have been regularly paying the energy consumption charges and there is absolutely no default at any point of time. While so, the impugned proceedings dated 19-08-2004 issued by the respondent have been served on the petitioners, in which it is stated that as per the proceedings of the District Collector, West Godavari in R.C.No.D6/11717/96, dated 08-08-1999, the lands of the petitioners forms part of Contour + 5' MSL as per the map of the Principal Chief Conservator of Forests, Andhra Pradesh and that they also fall within the bird sanctuary of Kolleru and therefore, the electrical service connections of the petitioners will be disconnected after one week from the date of the said notice. The petitioners state that they received the said notice on 23-08-2004 and 26-08-2004. The petitioners deny all the allegations made in the said notice and state that the land in question is their respective own lands. It is also contended that the unilateral decision of the respondent under the impugned notices to disconnect the power

supply to the service connections of the petitioners without affording any opportunity to rebut the allegations made therein is arbitrary and illegal apart from being without jurisdiction.

A reading of the impugned notices show that the petitioners were not issued any prior notice to rebut the allegation that the lands in question forms part of Bird Sanctuary of Kolleru. It is also the specific plea of the petitioners that the proceedings of the District Collector, West Godavari District, dated 08-08-1999 were not served on them and in the absence of the same they cannot effectively explain the allegations in the impugned notice. In the circumstances, I am of the view that it would be appropriate to afford an opportunity to the petitioners to meet the allegations made in the impugned notices.

Accordingly, the impugned notices are set aside and the Writ Petition is disposed of with a direction to the respondent to furnish a copy of the proceedings of the District Collector, West Godavari District, Eluru in R.C.No.D6/11717/96, dated 08-08-1999 within one week from today. On receipt of the said proceedings, it is open to the petitioners to submit their explanations to the respondent treating the impugned notice as show-cause notice within one week thereafter. If such explanations are received within the time specified above, the respondent shall consider the same and pass appropriate orders in accordance with law. Till such orders are passed, there shall not be any disconnection of power supply to the service connection Nos.73, 74, 76, 87, 67, 70, 81, 69 & 80 situated at Bynepalli Village, Nidamarru Mandal of West Godavari District.

The Writ Petition is accordingly disposed of. No costs.

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30th August, 2004.

gbs

To

1. Addl. Asst. Engineer (Operations) A.P. Eastern Power Distribution Co. Ltd., Nidamarru W.G. district

2.2CD copies

**THE HON'BLE MS. JUSTICE G.ROHINI**

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**WRIT PETITION NO.15518 OF 2004**

**30th August, 2004.**